

MINUTES

Utah Council on Victims of Crime Annual Meeting

Wednesday, June 16, 2010
Thursday, June 17, 2010

Riverwoods Conference Center
Springhill Suites Marriott
Logan, Utah

In Attendance:

Reed Richards
Mel Wilson
James Cordova
Yvette Rodier
Christine Watters
Steve Schreiner
Julie Summers, guest
Paul Johnson, guest
Moises Prospero, guest

Ron Gordon
Tammie Atkin
Shelly Haupt
Laura Blanchard
Ed Berkovich
Heidi Nestel, guest
Keldon Brown, guest
Renee Flitton, guest
Allison Williams

James Swink
Patricia Sheffield
Ned Searle
Doug Fawson
Marlesse Whittington
Ed Smart, guest
Jeff Long, guest
Lance Peterson, guest

MINUTES

Day One:

Agenda Item:	Welcome & Introductions, Reed Richards
Discussion:	Reed welcomed everyone to the meeting and stated that several people would not be able to make it because of the execution and so hopefully the room will fill up later. There was a discussion over the execution and how it will be the first firing squad in over fifteen years, which always creates a lot of press. It should be quite an event because many protestors will be there. Only a few press are allowed in then they proceed to the parking lot and tell the rest of the press about the event. Doug will be there and could report back if we wanted him to. Reed described the process and what it looks like inside the firing squad room. It is also interesting to note that we are only state, Doug believes, where the Governor cannot give a pardon.

	<p>Reed stated that the agenda is put together by looking at what we've previously covered and suggestions from members of the Council. If any one has something they want to talk about that isn't on the agenda feel free to bring it up at an appropriate time. Scott Reed is one of the people who won't be able to make it, but he had concerns on the forfeiture issue so hopefully Yvette could cover his portion. If not, the CJC's can give an overview of their agencies during his time.</p>
--	---

Agenda Item:	VINE, Ron Gordon
<p>Discussion: Email & Texting Telephone</p>	<p>Ron is going to talk about general updates with the VINE system. There has been talk over the years about adding updates on protective orders to VINE. They don't want to provide false hope to victims that they will be notified about this because they can't completely ensure the quality of the data. There is a lot of missing and bad information and that's why it hasn't been added. Protective orders happen quickly and the victims need to know as soon as possible, but they haven't been able to ensure a real time delivery. They are re-writing the statewide warrant system with some grant funds they've obtained. This will allow the State to provide notifications on service of protective orders. The Department of Public Safety is working with the Administration Office of the Courts and CCJJ to re write the system and provide this mechanism for notification of protective orders. It will not be a phone call though; it will be an email or text message that you can receive right away.</p> <p>The biggest advantage of this change is that they can do it in house for a fraction of the cost versus going through Apris. This will provide an interesting pilot to see how text and email notifications work and if the state can do something more than just protective order notifications. They want to include conditions of probation and parole so any officer who has access to this statewide warrant system can see this kind of information. To be clear, VINE won't be involved in this system at all; this is the automated statewide warrant system. The petitioner will still have to register, although it will be separate from VINE and this system would be automated by the Department of Public Safety. Ron indicated that we will need victim advocates involved in getting the word out and getting the victims signed up. The petitioner will need to register for this system at the same time they are submitting all their information to the court. It would be</p>

	<p>nice if there was a way to add a line on the form that asks them if they want to sign up to receive these notifications and if so direct them where to go and stress that they act quickly. Currently, the forms are online or at the court and there are several: child protective orders, stalking orders, jail orders, etc.</p> <p>Patricia said they were having trouble in the Washington County Purgatory Jail getting notifications and asked if this would be the same in all the jails. Ron said this system would be separate from the jail's database. VINE is pulling their information from each individual jail. Yvette asked if the police would have to check two different systems and Ron said they won't have to do anything different. Mel then asked if they would have the resources to do the same thing that VINE does such as a telephone call or provide notification of not only jail releases, but transfers, etc. Ron indicated that's the next step if this pilot program works. The statewide warrant system might not be the right place for this though since not all the systems are connected. The ability to give information is only as good as the data that is put in. We would like this to be a tool for law enforcement, not a mandate.</p> <p>Jennifer Hemenway is the person working on this process. Reed said he thought this has great potential as long as we work on the jail portion. A big concern is getting the information quickly because the perpetrator can easily be released in an hour so time is of the essence. Mel asked if it would be possible to input the alleged victim's data into the system following an arrest in a DV protocol case. Some jails do this automatically or at least they are suppose to. At one time the courts, dispatch and sheriff's office's were suppose to put the protective orders on the system, which caused problems, but now they are pretty good at doing it. The booking officer is the one who inputs this data. Reed thinks we should work with Kris Knowlton to put that info on the protective order form. This system would be a good SWAVO topic although it would likely be several months away before we want to mention anything to make it worthwhile. On a side note the sheriff's meeting is July 15th.</p> <p>Patricia asked if the applicants are having trouble getting the information on whose being released who do we talk to get that information, who do we put the pressure on and what's the flow? Some of the advocates aren't sure how hard they should push if</p>
--	---

	<p>they aren't getting answers and solutions. If the jail isn't cooperating we should call the Sheriff.</p> <p>We paused and took a minute to give quick introductions to Ed Smart. Reed then briefly explained to him the eight judicial districts and the VINE process.</p> <p>Ron thinks that we might be able to add court notifications into this system at almost no cost. Mel informed everyone that we had completed the process of taking the court system off of VINE which saved \$200,000 and was put back into the general fund to assist victims. Mel said he often gets emails about VINE systems being offline, but he thinks they are put back online quite quickly. Also, the jails work with Apris to get them back on. Mel said he hardly ever sees problems with the Department of Corrections and VINE and it is to Doug's credit that they run very well. Mel thinks these types of information systems would be better housed in the Department of Public Safety or somewhere like it versus CVR. The ability to get the info you want and the ability to train is better if you put it elsewhere. Mel said CVR would sustain VINE but he really thinks, because the technology is changing rapidly, that we should put it into one system. Reed asked if we could just use a statewide system instead of Apris. Mel said we'd have to look into that because the biggest concerns would be technical abilities and what types of features are available. James Cordova said their officers and advocates use VINE quite a bit, but doesn't see any pamphlets being distributed about it.</p> <p>One issue Doug has seen is when state inmates are housed in county jails, advocates are telling victims to register under both numbers. This is a bad idea because one phone call might say they've been released when in actuality they've been transferred. They need to use the state number no matter what. James C. suggested we eliminate the county number and only give out the state number.</p> <p>Another issue Yvette has seen is a form a victim receives that says the perpetrator is sentenced and they have a release date down the line. Then six days later her client receives a notification that says in thirty days they will be release, but the original release date is correct. She's not sure where that form is coming from, but the format of it needs to be changed. Yvette</p>
--	--

	will work with Mel on this.
--	-----------------------------

Agenda Item:	CCJJ, Grand Jury Study, Ron Gordon
Discussion:	<p>CCJJ is taking a look at whether it would be appropriate to make changes to the grand jury system. They want to find ways to make it more accessible so that it could be used more frequently. We do not have a standing grand jury like the federal government does. Federally, the jury members serve for eighteen months and they hear a new case every week. Here in Utah there are panels of judges that meet every three years it seems.</p> <p>There have been some bad cases and that is why CCJJ is looking into using grand juries more frequently. This is not meant to replace preliminary hearings, but rather look into whether we can use it more frequently and what changes we can make. There is an upside to victims for having grand juries because the anticipation of preliminary hearings and the hearing itself can be rigorous. The grand jury system is much more private. The defense lawyers were very reluctant to say the least. Another claim they made was that sometimes preliminary hearings are good for the prosecutor because they can see how their witnesses may behave.</p> <p>Ed S. asked what the State provides in terms of preparing a victim for either a grand jury or a preliminary hearing. The answer is a victim advocate. He said that he had a victim advocate come up and kind of pressed a button by talking about a system that is failing. Ed said thanks, but no thanks. Then, when Elizabeth was called to the grand jury and went through two days of forensics and psychiatrics sessions, he wished accommodations could have been made for her. They were handed a subpoena for the grand jury and had no understanding of the process and were furious because they had no preparation for it. Ed S. thinks giving the victim some kind of heads up is so significant in helping them get through the ordeal. Ron said whatever changes are made we have to make sure we include our victim advocates through the process.</p> <p>Reed said his problem is very department specific and Mel is very surprised at his comments and thinks that his victim advocate would have done the opposite than what he's claiming.</p>

	<p>Mel said the prosecutor and victim advocate in conjunction should sit down with the victim. Ed S. said Dave Yokam was his prosecutor, but he felt he was totally out of the loop. Patricia said this is what we are really trying to do: train advocates on what their role is and how to advocate for someone. It is an evolving process. Mel said years ago when we started implementing the victim advocacy programs the questions were who the allegiance is to: the prosecutor or the victim? He would have thought it would be invaluable to have a victim advocate from the time Elizabeth was missing until the time of sentencing. Christine thought it was good he shared his experience. She thinks it is important that we look from the victim's perspective. Ed S. said he was surprised to hear though that there are victim advocates all over Salt Lake County because he said he had absolutely no victim advocate. Yvette said what Ed S. is asking for is basically what the Clinic does. He mentioned the CART teams are a new program that is going nationally and that is a place that a victim advocate should be. Christine said she would follow up with Ed S. on that issue.</p> <p>The grand jury committee will meet between now and the legislative session. The obligation for the next Council meeting is to come back with their recommendation. Basically, the difference is if you went to a grand jury you wouldn't have a preliminary hearing and it's non confrontational. You could solve the case and have nothing further happen, which is a wonderful benefit. If the defense attorney is not allowed to examine the victim the likelihood though is that they would end with a trial versus settling the case out of trial. Ron is currently researching which states have a grand jury system. Laura said she has seen enough abuses in the preliminary hearings that it would be viable option to her. She has two prosecutor's who prosecute child cases and would like to see those done with a grand jury.</p> <p>Christine brought up the case of the BYU professor who was killed and robbed and they are considering a grand jury in that case. She asked again what the advantage was. In a preliminary hearing the press and public are there and the defense attorney is there with the defendant. The victim can be cross examined. Reed has seen many situations where the defense is nasty to the victim. The victim often with preliminary hearings will want to settle the case so they don't have to go through a trial. On the</p>
--	--

	<p>other hand, a grand jury is an easier process than the preliminary hearing. Mel said in the federal system they investigate and do a grand jury and then make an arrest. In this case there would be an arrest, booking in jail, and then a grand jury process would replace a preliminary hearing.</p> <p>There has to be at least sixteen on the grand jury and $\frac{3}{4}$ have to vote in favor. This will take less time than a preliminary hearing because there is no cross examination and they also accept hearsay. The Utah Rule is that you need to show clear and convincing evidence to get a grand jury and for a preliminary hearing it is only probable cause. Ed B. asked if the rule was clear and convincing evidence or probable cause. In Utah it is clear and convincing evidence. Patricia asked if it were a child victim if they could do a recording. Ron said he doesn't see a constitutional problem, but we would need to put that in the Utah Rule. Reed said if we don't have to go to trial as much it is definitely more victim friendly. Reed wondered if it would increase the number of rape victims who would be willing to testify if they could do a grand jury. Mel definitely likes going the route of doing more grand juries. They also think that if the victim wants an advocate there in the room they should be able to be there.</p>
--	--

Agenda Item:	Crime Victim Protection Programs, Doug Fawson
Discussion: "No Snitching" campaigns	<p>Doug will be talking about pressure on victims and witnesses to not come forward, which in the prison is a problem. There will sometimes even be crimes against fellow gang members if any of them come forward to snitch on someone. In Denver, which they don't do here, is sequester them and keep them safe before hearings. Reed mentioned Steve Siegel's presentation at the Annual Crime Victims' Conference where he spoke about people not coming forward because they were scared.</p> <p>Reed isn't sure if it's a problem here so he asked the Council if they thought it was. There is witness tampering, but not sure if it's more aggressive than any other states. Ed B. said there are codes between gangs that can exacerbate this problem. Patricia and Laura think also agreed it was a problem here. Patricia said you have families that are protecting their neighbors. Ed S. said that their coalition is working on different programs, such as RADD kids which focuses on bullying, to give people</p>

	<p>empowerment. Ed S. said he was at a graduating course for the program in Las Vegas and said that a parent really wished they had a defense program in their school, but the school doesn't want it because they don't want the disclosures that might come from it. Ed S. said he would appreciate any support from this Council pushing this program forward. Doug thinks it's important that the kids feel safe to report. Christine said she thought it would be interesting if there were grant award amounts to approach this issue. Laura said she has been through the program with her grand daughter and it focuses on self respect and that you should tell someone if you're being hurt. It was a great program. Doug then proceeded to talk about the Sex Offender Registry.</p>
--	---

Agenda Item:	Sex Offender Registry, Doug Fawson
Discussion:	<p>The changes for the sex offender registry are fairly subtle. Some of the kidnapping charges that use to put people on the registry were eliminated so now under 76-5-301 only a couple now apply. Two other kidnapping codes that stayed on are 76-5-301.1 dealing with child kidnapping and 76-5-302 which includes aggravated kidnapping.</p> <p>Reed has heard comments from prosecutor's who wondered if it was a good idea to have a sex offender, who spends every weekend at their mom's house, list that residence also; they think it is too restrictive. It might be okay if that person is someone who has to register for lifetime, but what about the others who have only a touching or lewdness offense. Ed S. asked how close we were in compliance with the Adam Walsh Act. Reed thinks we are close for the adult offenses, but not the juvenile ones. We don't list the perpetrator's employer, which they do in the Adam Walsh Act. Ron said there are significant areas where we aren't compliant and we aren't taking any action to be compliant. He doesn't think the federal government would agree that we were in compliance either. Ed S. would like to see Utah in compliance.</p> <p>The question is should a touching offense equal a lifetime registry offense? Yvette says it should because the victim lives with it for a lifetime. It would also make a difference whether it was one victim or multiple victims. Ed S. wants to know when he looks at the registry that they are a real predator and not</p>

	<p>someone who just exposed themselves once or had consensual sex when they were both underage. That issue would be a statutory change. Yvette thinks we should follow what the current rules are. She is working on plea deals that get plead down so the perpetrator doesn't even get on the registry. Christine asked if we could discuss this later and Reed said we would need to in a later meeting because this can be quite a lengthy discussion. Ron suggested that someone who is knowledgeable about who specifically gets on the website come. Yvette would be interested to hear the percentages of offenders whose first time it is or their likelihood of re-offense.</p> <p>Doug said when a sex offender is convicted in court, he is then issued a no contact order, but then when he goes to prison it's no longer in place and consequently they make contact with the victim. They once had an inmate contest this, saying there was nothing that prohibited him from contacting the victim, and really have nothing to stop him because they are under the jurisdiction of the Board of Pardons and Parole. Doug's administration is aware of this and wants to find a legal way to stop it. This would be another statutory tweak that allows the Board to do something or the district court such as an interim no contact order until the Board addresses it. This issue will be given to James and his legislative committee.</p>
--	---

Agenda Item:	Utah Crime Victims Legal Clinic
Discussion: Overview of Cases Protocol for acceptance Funding Board of Directors	<p>Yvette wanted to inform everyone that Heidi was just awarded the Legal Advocacy award from NCVLI in Portland this past week at their annual conference. Yvette indicated that a lot of victims are coming to the Clinic who are in disagreement with the prosecutor's office, which is where a lot are actually being referred from. The prosecutor's say some of the victims are too time-consuming and the victims don't like the plea bargains. The Clinic is also seeing a lot of child sex abuse and medical records cases. Ed asked if she had seen an increase in child sex abuse cases and pornography and she hadn't seen any, but there are cases out there more on a state or federal level.</p> <p>The Clinic receives referrals from victim advocates, law enforcement and prosecutor's mostly. Accepting cases is usually based on a right they can help enforce or if they see something they can do to help the outcome of a case. They usually reject a</p>

	<p>case if they are not the right entity like if it is a civil case they will refer them to Utah Legal Services or Legal Aid Society.</p> <p>The Clinic is statewide and travels all around. Right now they have about one hundred open cases, of those fifty to sixty are active. Cecelia asked if they accept federal cases and Yvette said they could, but only have one. They also have a few appeals cases. James S. asked if they had filed many appearances in appellate courts and she said not really. She said she would be a party to the appeal.</p>
--	--

Agenda Item:	Amicus Brief, Steve Schreiner
Discussion: State of Utah vs. Chanzy Walker	<p>Paul Casell is interested in filing a motion for leave on behalf of the Council. The brief will be very similar to what we have, but we don't know what all the facts of the case are, but we do know that we want the Governor on board. Ron doesn't think it will be a problem, but we will want to put it past the General Council. From what we know the brief deals with the federal exclusionary rule and independent state exclusionary rules. The U.S. Supreme Court has an exclusionary rule that says if a governmental entity violates someone's right, say under the 4th amendment, then the evidence that's found in the home can be excluded.</p> <p>This Chanzy Walker case is pending under the 3rd district, which went straight to the Supreme Court. The brief has already been filed, but not the motion. Ron has put in a call to the Governor's Council. Steve doesn't have a problem with this case, but then again reiterated he didn't know all the facts. Paul was called on speakerphone to get more info and all he indicated was that the Attorney General's Office called him and asked if he could file this on our behalf. They are moving to suppress the evidence because they state the police officers were acting in good faith. It has since been sent to the Governor's office and it doesn't look like it will be an issue. Reed asked Paul to send it to himself and Steve. Ed B. asked if Paul wanted Utah's to mirror the Federal Exclusionary Rule and he said it would be about the same. Reed asked if the Council felt fine about leaving the decision to them. Ed B. moves for Steve to go forward and Mel seconded and all approved.</p>
Discussion: State of Utah vs. Devin Michael Ruth	This case has been resolved and the court didn't even consider the brief.

Agenda Item:	Domestic Violence Evidence Collection Protocol, Julie Summers- Orem Department of Public Safety
Discussion:	<p>Along with Julie Summers, Renee Flitton, Lt. Keldon Brown, Sgt. Jeff Long and Paul Johnson were all in attendance. Julie passed out folders including several handouts to aid in their presentation. Julie talked about some of the crime statistics of Orem City and made it clear that the perpetrators are becoming more aggressive.</p> <p>Through a VAWA Recovery Act grant they were able to gain funding to research and investigate DV crimes. They work diligently in their office to get pictures and work with the victims, but they thought what can we do better? They decided they needed a collaborative team to better know how to pursue these complex DV cases. They decided they needed cameras, the ability to project pictures on the wall during a trial, more equipment and importantly: training. In February they were able to send nine people to Texas for the Crimes Against Women Conference because of this grant funding. The presenters were from all over and Keldon was thankful to VAWA for the funds to go. He told a story about a woman who was shot accidentally by her husband and how they were so quick to mark it as an accident, but through techniques they'd learned and other resources they were able to conclude that it was not accidental. His point was that the training in Texas was something he couldn't have learned about DV in an Orem City briefing and he was thankful to go. Yvette asked if they had shared their information with others in Utah and he said they have been looking for those opportunities to share. Julie thought it would be a good idea to host some type of training about this. Christine would like to see something this on the federal level.</p> <p>Jeff indicated how it was difficult for patrol officers to listen to Julie; they need it from one of their own. He said if they can get the officers to go through this paperwork in the packet they will have a better case. Sometimes they forget what they write in their notebook, but if they use these packets they can get all their info that is going to help the prosecutor down the road. It isn't any extra work for them. Jake Summers created the packets that they have been using since May 1st. Some of the items in the packets are DCFS fact sheets, HIPPA information and other useful documents. They also put a paper bag in there for</p>

	<p>evidence. Jeff gave these packets to the patrol staff and then read them some scenarios and asked if a crime was committed and other questions to get them thinking. He wants to make sure they get the convictions with their arrests. Cecelia asked where the packets went after the officers filled them out. The officer's type up all the info, use it as a reference, then everything goes back in the folder and they give it to the Records staff then it gets recycled back up to the victim advocate. Everything that is handwritten is also scanned in. They think it's been well-received except for a little grumbling, but that is mostly from the officers in the training who don't listen. Keldon said they have lazy cops so they are just trying to do a good job of training them.</p> <p>Paul Johnson, from Orem City Prosecutor's Office, said they love the packets and has no hesitation to it. It really does make a difference in dismissing a case or not. The best place to get the info is at the scene so the investigation needs to happen then and with the use of the packets. Paul talked about a DV incident they had where the woman recanted so that her husband could be at the birth of her child. Consequently he didn't have a case also in part because the officer's report was no good so there wasn't much they could do because they didn't have a complete report. That's why they needed the packets. The case turned out well though because the advocates went and found the info and evidence the prosecutor needed, which is what the officer's should have done. Yvette asked if they were prepared for people to have a problem with their HIPPA records being released. Yvette was nervous that the defense attorney's might get the HIPPA release.</p> <p>Patricia suggested Allison send out Julie's and everyone else's contact info to the Council.</p>
--	---

Agenda Item:	Non Cooperative Domestic Violence Victims, Ed Berkovich
Discussion:	Ed briefly talked about the history of testimony in the 1500's and 1600's then talked about Crawford. Crawford was not a DV case, although it has affected DV cases from here on out. The issue was about testimonial and non-testimonial hearsay statements. He then talked about the Davis & Hammon cases which are DV cases and the issue there is 911 calls and when a situation ceases to be an emergency. He went over the

	<p>definitions of testimonial and non testimonial hearsay definitions. They have a “primary purpose test” which helps to know whether something is non-testimonial as in the Davis scenario or testimonial as in the Hammon scenario. He went on to mention that Crawford is a trial right only. Ed said that he is seeing a pattern where the courts are going in favor of the victims in these instances and he’s more than fine with that. Ed then went over dozens of case law about 911 calls. He hasn’t found a 911 call that has been found inadmissible which is good. Ed also indicated that in the past ex wives, for example, were not considered reliable, but now all 911 callers are presumptively reliable if they are identified. It was noted that we would like to train the dispatch officers on questions to ask such as: who did this?</p> <p>Ed then went over dozens more case law, which are all case examples of trying to use statements even when the victim recanted, on when the ongoing emergency ends.</p> <p>Ed then talked about forfeiture as it relates to the 6th amendment right to confront your accuser. He gave a scenario saying an assault occurred in the first minute of a DV event then the breaking of the phone in minute two or close in time later. There would also be a second charge of interruption of communication device. The breaking of the telephone is designed to prevent the victim from participating with law enforcement and at a preponderance hearing then you have forfeiture by wrong doing in the first case. Some think this is too close in time. Steve said it would be a single criminal episode. Ed thinks it could be two different acts though, but Steve thinks its just one.</p> <p>Ed showed one of James S. cases: State v Poole and then talked about perpetrators being able to get hand guns because if the DV act wasn’t a force of violence then they can. Only one out of ten at best are being declined firearms applications.</p>
--	---

Agenda Item:	Annual Crime Victims Conference, Yvette Rodier & Tammie Atkin
Discussion: Vice Chair Budget	Yvette thought it was a successful conference and that is reflected in the evaluations which are in the packets. The first few pages are the evaluations for the conference overall. People indicated that they heard about the Conference mostly through

	<p>word of mouth which is great. Yvette's office will put together an email list so we can email people next year. People appeared to really like the ease of the venue, but in the end it comes down to money. Allison is still negotiating the bill with the Radisson so hopefully the bill will go down. Considering taking the bill down and how we spent more on speakers, it is about the same as last year's price. It was interesting to note that most people liked just the second day; they want all plenary sessions. Christine also said she heard the Conference was great. Cecelia liked the venue, everyone agreed they did. Reed thought it was a wonderful conference; we will just have to evaluate having it there in the future because we want to make sure we make a profit so we can continue to have annual meetings, for example, at places like this. Cecelia thinks we could still go through OVC for funding. The problem this year with that is some presenters don't want to work with OVC and if you've already paid a portion of the honorarium to the speakers like we did for Mildred and Veraunda then OVC won't work with that presenter at all. Yvette has that funding in mind for the future though.</p> <p>Tammie said she would be chair for next year's conference if she had a lot of help. Cecelia offered to help with funding sources. Cecelia said she might be retiring so she doesn't want to make a commitment. The Council suggested Ed B. to be co-chair, but he inquired into how many hours this would take of his time. James S. nominated Ed B., Patricia seconded and everyone approved.</p>
--	--

Agenda Item:	CVR, Mel Wilson
Discussion: Restitution Reparations Victim Rights Enforcement Academy/Advanced Academy	Since being in his position at CVR Mel has come to appreciate the issues of restitution and reparations. Last year CVR paid out \$7,000,000 in reparations and virtually all of that money has the opportunity to become a restitution claim and we only collected \$400,000 so less than 5% of what CVR is paying out is coming back in. He would like to enhance those restitutions so that CVR can become self funding. Even 15% in returns would be over a million dollars. Currently, CVR notifies the prosecutor's office of our claim and we just rely on them to get the restitution order. We don't have any method of tracking those claims or identifying, when we do get money, which claim they go to or any method of enforcing those restitution recoupment claims. Mel said they are in the process of taking money from the CVR

	<p>fund to fund this unit to enhance those collections and have a three year time frame on it. At the end of the time period if they didn't achieve those goals that they previously made for themselves then he's not if they could get permanent funding. CVR does receive money from the State Office of Debt Collection, but not very much. In order to increase the restitution claims we would also need to create legislation that will allow us to do this.</p> <p>Mel's had three or four cases out of Salt Lake where they've challenged restitution claims made on behalf of CVR. The attorney was challenging CVR's process of how to make claims decisions. One time CVR received a subpoena and memorandum from the Salt Lake County District Attorney's Office objecting to the payment that we had paid out, which was about \$5,000. Mel was bothered by them second guessing our decision making on claims. He thought that CVR should be able to represent ourselves in court or at least have representation. The only issue that should be in front of the court is the case itself, not how CVR makes its claims decisions.</p> <p>There are a lot of cases where judgments are being paid to the victim, so they are being paid doubly: by the defendant and CVR. Hopefully by the next meeting Mel will have something more definitive, but he wants support from this Council for the next legislative session. Reed asked if the victim receives a restitution judgment if it says it's suppose to go to CVR, not the victim and Mel said it should be on there. Mel said that if a case ever arises where it doesn't say CVR on the form, then if they are made aware of this oversight, they ask the judge to switch it over to them. Mel said once we establish this process it will be easy to broaden the scope to all restitution claims.</p> <p>There is a project in Vermont where they're paying out restitution for property crimes that is capped at \$10,000. The State has put seed money into the program and they are on the verge of being self funded. In Maricopa County, Arizona there is a restitution court where the judge is there two hours a week and they are pretty effective in enforcing restitution orders. These are some ideas floating around that we can talk about in the future. Cecelia said that in their office they always ask CVR before they go to court and then ask for restitution. CVR currently sends out a letter requesting restitution be reimbursed</p>
--	--

	<p>to them, but the problem is following up on it.</p> <p>Mel said he has been meeting with Christine about the Academies and figuring out how much they cost. He has a meeting planned at the end of this month to talk about Weber taking over the Academy since Cacey is now a full time victim advocate at CVR. Mel suggested that all our trainings like SWAVO, Academy, Advanced Academy, the Conference, etc. all be coordinated through this Council. Reed asked if we would still have a contact person and Mel indicated it would likely be someone at Weber, but it would need to be someone that we have full confidence in. We would still need to maintain control over the curriculum. Also the facilitators do their work for free so this person would need to know them, unless Cacey is on the committee. As far as the Advanced Academy Mel wants to put on a clinic about all aspects of CVR including reparations, grants, etc. Patricia thought that would be a great training. She thinks her advocates need to come together and have the same information and all be connected. Mel then told a story about a victim advocate giving false advice to a person about their funeral expenses being paid for so they went ahead and planned for that and ended up being out quite a bit of money. Overall we need to make sure advocates are careful about giving correct information.</p>
--	---

Agenda Item:	Criminal Background Checks on Volunteers, Reed Richards
Discussion:	<p>For criminal background checks Utah has its own separate database with just Utah information and then its info is also mingled with other states to make up the national database. To have access you have to go through the FBI and to run a records check you need a case specific number in both systems to refer to. The question is how to expedite the background check process which can take several weeks. There is a right of access system which is allowed to run on local systems so that anyone who has access to the Utah database can request, from DPS, to have this system in their office so they can do a records check instantaneously. You still need authorization for the records from the person you are checking. This won't give you access to the federal system, just the state system. This would be a good idea for an agency that uses volunteers a lot, such as a CJC, especially since there are kids around. Patricia said they once had a sex offender representing their agency so it became messy and was</p>

	<p>quite embarrassing. She said they now have a packet of information already ready to use for background checks.</p> <p>This right of access system is free of charge to the agency that uses it, but they have the option to charge those whose background they check. Laura said she is being told by their Sheriff they won't do checks for her, but James C. said the agency has to submit an application and be approved and it's possible her agency hasn't done that, but did believe Utah County has. Ed S. said he would like to see something in the next year or two on the federal level.</p>
--	--

Agenda Item:	2011 Legislative Agenda, James Swink
Discussion: DNA	<p>Reed talked about how the Council had been pretty heavily involved in the last seven or eight years with DNA. We use to take it from just sex offenders then four years ago it changed to felonies then two years ago it changed to anyone who was convicted of a felony or a class A misdemeanor and then just last year in 2009 we tried to expand that for all those convicted of violent class B misdemeanors and that did not pass. It seems silly to not take DNA from DV perpetrators. It was Ed S. this year who initiated this effort.</p> <p>Ed S. was happy to announce that the legislation to take DNA at the time of arrest passed. They are able to take the DNA at the time of booking along with the mug shot and fingerprints. It will be held until conviction. There is an expungement clause, but James will talk about that later. They are now looking into how the DNA will be held until it's sent to the state crime lab. They were really happy that the Department of Corrections gave up their portion of the \$100 that the state was providing and it has now gone up to \$150 in collections; so between the \$50 increase and the Department of Corrections giving up their portion the crime lab said they could handle it. On the federal level they are also trying to push the DNA issue. They passed it through Congress a month ago and Ed S. is going to try and push it through the Senate next Monday when he goes to D.C. He said there are a handful of states running into the issue where the law is being declared unconstitutional and those are the ones where they are taking DNA and processing it before there is some probable cause. So Ed S. took precautions to make sure that it is not an issue here. The protocol will be for the jails to send it off</p>

	<p>immediately to the crime lab. As a practical matter it is not being tested for a couple years. Ed S. said he thought the crime lab could do it a lot faster though in like ninety days. Two other issues to work on are funding and taking DNA from class B misdemeanors.</p> <p>The Surviving Parents Coalition are doing a month long ride across the country this summer starting in August pushing the Protect Act which is all about internet crimes against children, DNA and Not One More Child (which includes the RADD kids program). They will be riding through Salt Lake on September 10th and will have a press conference on the east side of the Capitol to talk about these issues. The Surviving Parents Coalition's mission is to stop predatory crimes and their website is: spcoalition.org. Ed S. suggested we put together a bike ride to raise awareness and raise funds for things that would be significant to Utah.</p>
Discussion: Expungement	<p>It was bothersome to James that some of these public records and convictions of criminals are so private that it's hard for the public to gain access. It is in the interest of the public to obtain these records, especially if someone were running for office, in which case they aren't allowed to have a felony. So the two issues are: not being able to do a record check on officials running for office and then also the difficulty of obtaining records for any general person you want to run info on. Reed said you could go to any courthouse and pull up anything that is in record at that courthouse. We're not sure what the restrictions are federally in regards to releasing information. It might be a good idea for say, a \$15 fee, to be able to pull the files on anyone you want. James C. said it is not a good experience to be audited in regards to pulling records without authorization. He said he would lose his license if he pulls something without the right. It would be a good idea to have the Director of the BCI come in and talk about this.</p> <p>The expungement eligibility requirements statute has been moved in the code; it is now 77-40. It reads a lot better overall. Some of the eligibility requirements have changed. 77-40-105 is pretty much the same; there are just some time changes. We briefly read section four to try and understand it, as it is quite confusing. That part doesn't read any better than it once did. It is also a bit more liberal than it use to be; we are allowing them to expunge at least four misdemeanors. People feel okay with</p>

	this as long as they are low enough misdemeanors. Mel wondered if only the prosecutor can respond within thirty days or if the victim can because it's a bit confusing, but it looks like the victim can respond on their own.
Discussion: Other	NCVLI wants victims to have access to the pre-sentence report and The National Committee has urged all states to do this. The pre-sentence report just gives victims insight and more information into to why the sentence is being recommended. Laura asked if you can access it under a GRAMA request, but James C. and Reed don't think you can. If you did have that rule though you'd have to exclude medical information or if there was any other confidential information on the defendant, their family, etc. Arizona has a right to read pre-sentence reports when it is available to the defendant.
Discussion: Other	James S. asked if Ed B. would let us know about the SWAP-LAC meetings. There is one issue with DV couples counseling. If the person re-offends his records with the counselor can be sent to law enforcement. Not all therapists write very good reports and they keep people in treatment for a long time which costs them so much money vs. sending them to inpatient. Because of blatant problems Laura has seen with this her juvenile court has decided that they won't use certain providers. The treatment providers are saying until we get paid we are keeping you in treatment and you can't be cleared with the court until the provider is done with you so it's a big circular problem.

Day Two:

Agenda Item:	Critical Incidence Response Team
Discussion: State Critical Incident Response Team/ U.S. Attorney's Initiatives	<p>Reed discussed how we had tried to put together a group that combines victim advocates, law enforcement, etc. Reed wanted Lance Peterson, Northern Utah Coordinator for Emergency Management, to come and talk about the model for their team as he has been doing this for quite a while.</p> <p>Lance wanted to start out by giving the framework for their emergency management service. In the state there are twenty nine counties and each county has an emergency manager, of those only six or seven are full time. Most large cities have full time emergency managers. The others don't have the time as they have other jobs so they do it part time. There is a bit of a challenge to find a manager who can really devote the time to plan and operate an emergency center.</p>

	<p>He gave an example of how different entities work together such as when they had the snow emergency. Each entity such as the Attorney General's Office, Utah Department of Transportation, Utah Highway Patrol, etc. said this is how this snow problem is affecting us and the Governor went and deliberated and gave \$60,000 total and the entities used it how they should, policy wise.</p> <p>In the Emergency Operation Center (EOC) they have various departments that come in and are given certain tasks. At that level, Lance thought, it would be good for us to come in, since they need mental health people to help. Reed asked him to explain how he had gotten all the team players together. Lance indicated that when a city declares an emergency they go to the county and if it's beyond their capacity then they take it to the state and if its beyond that, they take it national and get the National Guard to help. Lastly, if it needs to go further they ask if FEMA can give national aid. FEMA helps government, not individuals. He suggested as a group we create our own framework and within that plan detail out what it is our organization does, how we get activated, who is apart of our group, what we bring to the table, decide how far into this we want to go, etc. That's the simple part of the plan. The U.S. Attorney's Office created an extraordinary criminal event manual for prosecutor's that has a very simple approach that would be helpful for our group to look to as a reference.</p> <p>There is a quarterly city/county manager's meeting with the state that has an audience of about one hundred. He said he would be more than happy to give us time there and talk for fifteen to twenty minutes and explain the resources we have in regards to the mental health framework. Another meeting is the seven regional chairs for homeland security, but the other meeting would be better for our group. Lance said he is more than available to help also if we want and is excited that we are thinking about being involved. Reed thought we could have over 500 members, especially with how many victim advocates are out there. Lance said they need mental health workers on day to day events, not just the large scale emergencies. He doesn't have the resources for that, even though the Red Cross says they have people who can help the responders with mental health. In that respect our group would be a great addition.</p>
--	---

	<p>Cecelia asked where all the key players meet when they have an emergency. Each time, they are going to have a command post close on scene to coordinate and control all the emergency actions. They will also implement the EOC if it's beyond their capacity and that is housed at the sheriff's office. Mental health is also coordinated through the EOC. To be invited to the EOC table, they would need from us a plan and framework with all our numbers and backups. For example, he would need to know who to call if he were in Weber County. As far as getting us to this quarterly meeting most of the managers are there and he can get us there.</p> <p>Cecelia then asked if the FBI has ever come in and taken over. Lance said his organization has jurisdictional issues, but if the FBI thinks it's going to be a legal case, the only responsibility they have is to investigate. Again, they do not have jurisdiction over the HAZMAT squad or evacuating residents. The FBI is responsible for taking evidence, not for mental health. Cecelia explained that she had only asked because in one state the federal victim witness coordinators were told they couldn't assist unless they had a secret clearance because it was FBI jurisdiction. Lance said that is something he would want to work with the Salt Lake City office on.</p> <p>As we want to work strictly with criminal events, Mel asked if we could devise the basic framework and say this is what we're thinking and have Lance critique it and he said he would be more than happy to help and also suggested looking outside the box. For example, some events may not be criminal, but we would be willing to help. Cecelia thinks we should start small, build up our credibility and then expand. Reed also brought up the point that if you had an oil spill you might not know if it was a criminal event until later down the road. Christine asked James C. if Denna, the victim advocate, would get called out on something like this and he said he uses her for everything, but he just might not get federally reimbursed. Christine then asked Shelly the same question and she said the people in her area are finally starting to understand that there are people in place to help. Christine explained how advocacy programs are dealing with major criminal incidents. Shelly said it really does depend on the officer, some will call her for anything but the majority don't call or utilize the services. Their mindset is on the</p>
--	--

	<p>investigation. Cecelia said that's one of the challenges. This really is a marketing plan; you need to be credible and have a good plan and sell the idea well. Marlesse said that the victim's movement is always about victims, but maybe change it to a broader term such as crime victim and trauma advocate because people are called out on non criminal events such as suicides.</p> <p>Patricia said a lot of the advocates aren't mental health trained so she doesn't think this works exactly. The group is talking more crisis intervention advocates, but they still need to define mental health. Christine brought up the Trolley Square event and the bridge between long term mental health issues and the immediate response of crisis intervention, referrals, etc. Patricia just wanted it defined because she doesn't want victim advocates acting as mental health workers or victim advocates saying they can't help because that's not their job. Marlesse said we wouldn't be giving mental therapy on scene; some may not even be ready for it for months.</p> <p>Cecelia is currently working on their protocol that they want to mirror the National Transportation Board because they have a great plan. She's willing to help do whatever she can, but she doesn't think the U.S. Attorney's Office should be the lead person, but CVR should be where the call is made. She wants one person to be the lead person and keep the team afloat. Mel thinks Cacey would be a perfect lead person; it would only take hours, not a full time job by any means.</p> <p>Ed asked for an example of how this process would work. The command center would meet and then call Cecelia or whoever the team leader turns out to be and say this is where we're meeting, have a discussion on what will be needed, who is in charge and then ask if they need a family support center and where would that be located. The family support center would serve as a briefing center for family members only. The care team would be there to assist in any way they could such as going to the hospital. Victims in the beginning of a tragedy want information, not mental health, so to have a care team there giving information would help tremendously. Lance didn't think we would be that expanded, but if that's what we wanted to do we will need to put it in our plan and have the command center go along with it.</p>
--	--

	<p>Cecelia said they use to meet with the Utah Health and Human Rights Project (UHHP), but that has fallen apart. At first people were on board but with Susan, former director of UHHP, leaving Cecelia hasn't continued it because no one has taken the lead. At first they met with Salt Lake City P.D. and county police chief's who were willing to have a crisis response team assist them. The other issue is how an advocate can get paid for being called out on top of their regular full time job. Reed suggested we get a committee from this Council to work on the plan. Mel said he'd be more than happy to sit on this smaller committee. He asked if the U.S. Attorney's Office has money and Cecelia said maybe VOCA does. Lance said the Department of Homeland Security has the money we just need to come to their meeting and come with a good plan. Cecelia will call this committee together with Mel, Patricia, Yvette and Laura. It was suggested to add Greg Whinham and Marlesse would like to be kept in the loop.</p>
--	---

Agenda Item:	Dating Violence, Ned Searle
Discussion:	<p>Stewart Ralphs and Ned met with Rep. Ray and he was excited to run the bill this upcoming year. They just need to take care of the fiscal note and get the Utah NRA's signature. Ned said he is committed to getting it passed. Ed B. asked why the NRA would be against it and Ned said if they use a gun in the incident then on the protective order it can state that they not have any guns. Ned said he would like as many people as possible at the Health and Human Service committee so that when they ask who is in support of this bill there can be a large number. Ned will send out the date and time of this meeting to Allison so she can forward it to the Council and victim advocates. On a side note Marlesse said they were going to do an article on DV at the University of Utah. James S. suggested Ned do a press release or do a story on a victim who's experienced DV. Ned said he knows a victim advocate's sister who would be great to speak. Ned will look into going to Channel 4 for this because John Dupre likes to do life stories.</p>

Agenda Item:	DV Sentencing Matrix, Moises Prospero
Discussion:	<p>Ned asked Moises to come and present at this meeting. He is the chair of UDVC and also does a lot of research for CCJJ and the Utah Criminal Justice Center, which is a combination of several</p>

	<p>schools at the University of Utah and its community member is CCJJ. He has been helping Ned's group get information on sentencing guidelines. Ned said they are researching dating violence in schools all the way down to the elementary school level.</p> <p>Moises started by going through evidence based policies and practices. He said that because DV offenders are often repeat offenders he thinks it is crucial to use evidence based policies for their sentencing. It's his hope to reduce or totally prevent domestic violence. He wants to target the offenders who are likely to stop their victimization. The bottom line for him is victim safety and offender accountability.</p> <p>According to his research, Moises indicated that incarceration is likely to increase re-victimization whereas treatment is likely to decrease re-victimization, for certain types of offenders. Not all treatment is equally effective because there are different types of DV offenders. If someone has controlling behaviors that is one of the biggest indicators of an abuser. Christine asked if there were more types of DV offenders than he indicated, because she thought there were. He stressed that we really need to identify who are the low risk vs. high risk offenders. There are extremely high risk offenders who do need incarceration because we're not quite sure what to do with them as treatment won't work. Therefore, we need instruments to identify them. Moises thinks we should have intense treatment to the high risk offenders. It's not necessarily how long the treatment is, but rather, how intense. For high risk offenders if they received treatment their re-victimization rate was 31.6% and if they didn't receive treatment it was 51.1%. For low risk offenders who received treatment they re-victimized 32.3% and no treatment was 14.5%. There are a few types of assessment, some are better than others. There are also a couple DV risk assessments for lethality such as the danger assessment and the Spousal Assault Risk Assessment. Steve asked about whose doing theses assessments versus who is giving the treatments. Moises indicated that has proved to be a conflict of interest.</p> <p>Moises then talked about other risk factors besides controlling behavior. The biggest factors are: history of antisocial behavior, antisocial personality, antisocial cognition and antisocial peers. The smallest factors are: family and marital history, work and</p>
--	--

	<p>school, recreation and substance abuse. He talked about how we need to build therapeutic relationships by building client rapport and using culturally appropriate interventions. He discussed what he sees as ineffective approaches such as: talk therapy, victim impact panels, shaming offenders, DARE, self help programs and programs focused on self-esteem. He recommends that there be quick entry to the program after arrest, periodic timely court appearances, on-going risk assessments and develop culturally appropriate interventions.</p> <p>He said his next steps are to develop the sentencing guidelines to provide them to judges statewide and the Administrative Office of the Courts. Reed said we could find a cheap way to do an assessment and the low-risk offenders go to court or spend a day in jail, but for the high-risk offenders it looks like we need to find funding for treatment. Patricia asked if it could be computer based because that might save money. Moises said that is an option that he would talk with others about. Marlesse said she was interested in his presentation, but in creating the matrix she asked if he thought the treatment providers and probation agencies could be on board. She said the matrix at the misdemeanor level was more so based on the perpetrator's offenses, whereas Moises wants to base it on the assessment and that wasn't its original purpose. Defendants have a right to due process so we can only punish them based off what we know, not what is going to come out in the assessment. She thinks that he is making this assessment apart of sentencing, not treatment, which it should be. Moises said that in drug court this is how it works, they base it off the assessment. Christine then explained the whole point of why Marlesse and the Council started the matrix, which was because perpetrators are getting their hand slapped and this matrix was created so that judges would do a better job of giving out appropriate sentences. It was our intention for it to be a pre-sentencing matrix. The matrix was created as a tool for the courts that have no resources. Moises then said they were having a training in October with all the state judges about this. Ned said he would keep Marlesse in the loop, but they still aren't sure of the vision of this.</p>
--	--

Agenda Item:	Son of Sam, Yvette Rodier
Discussion:	Yvette needs to talk to Scott first about what the problems are here. All we know is that the Attorney General's Office doesn't

	want specific things in there.
--	--------------------------------

Agenda Item:	Innocence Project, Marlesse Whittington
Discussion:	<p>Marlesse has been doing a lot of research on this on a national level and said the bottom line is that notifications aren't being given on cases years later unless new information is filed in the court. She went to the National Innocence Project Conference that she wanted funding for and for the first time there were no victims there. She facilitated a roundtable discussion on what works, what doesn't and found that most people there don't have any involvement with victims. Once they get GRAMA requests the victims aren't being notified. The people at the roundtable discussion don't mind the victims being involved, but they don't want to upset the victim by getting them involved if nothing ends up happening.</p> <p>Marlesse found that there were a few cases they talked about where they had involved the victim and were sensitive to them which she appreciated. In four out of five cases the victim was helpful and supportive to them. The victims may not be happy, but they aren't creating more problems, so that's not a valid issue for those who claim otherwise. Marlesse might make a recommendation that we need to broaden our statute after more research, which she is still working on. The person who is notifying the victim should always go through the prosecutor's office. Reed suggested she come up with a legislative thought and then we will fix that in the statute. James S. suggested that in the future we look into the innocence standards; there should be a pretty high threshold. Marlesse can research this in other states.</p>

Agenda Item:	Next Meeting
Discussion:	August 26 th 12-2

Action Items:	
	<ul style="list-style-type: none"> • Paul Cassell email the brief to Reed and Steve • Yvette's office put together Conference email list • Ned email Health and Human Service Committee meeting info to Allison to send out • Ned do a press release or news story to garner support for the

	<p>DV bill</p> <ul style="list-style-type: none"> • Legislative committee take on no-contact order issue • Allison send out Orem's contact info to the Council • Yvette and Mel work on VINE issue • Christine follow up with Ed S. • Cecelia call together response team meeting
--	--